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Subject: Cement Industry Seeks Six-Month Delay
On Hazardous Pollutant Standards for Kilns

Air Pollution

Cement Industry Seeks Six-Month Delay On Hazardous Pollutant Standards for Kilns

Cement industry representatives asked the Environmental Protection Agency to delay issuing new air toxics control requirements for cement kilns for an additional six months while the agency considers additional emissions information collected by the industry, according to a March 19 letter to Administrator Lisa Jackson.

Cement production has fallen more than 40 percent as a result of the economic downturn, according to the letter from the Portland Cement Association (PCA) and five cement producers. That decreased production has made it difficult to accurately gauge the facilities' emissions and could skew calculations as EPA determines new hazardous air pollutant control requirements for the industry, according to the letter.

The association provided a copy of the letter to BNA March 31.

Cement industry officials met with Jackson Feb. 23 to discuss EPA's pending final rule to establish maximum achievable control technology (MACT) standards for toxic air emissions, such as mercury for cement kilns. A final rule is expected in June, but industry representatives asked EPA to delay issuing the standards for an additional six months to allow more time to collect emissions data.

"As you know, PCA members have invested considerable dollars to collect the additional data, which we believe is absolutely necessary to inform a more rational rulemaking outcome, clearly an objective shared by all parties and one that is in the best interest of all concerned," PCA and the cement producers said in the letter. "For these reasons, we remain firmly committed to completing this ongoing data collection and continuing the collaboration with EPA to achieve the right result."

Settlement Sets Deadline

EPA originally agreed to issue the MACT standard by April as part of a settlement with the Sierra Club and other environmental groups, which challenged the prior air toxics standards for cement kilns as insufficient to protect public health (*Portland Cement Ass'n v. EPA*, D.C. Cir., No. 07-1046, 1/16/09).

EPA proposed air toxics controls for cement kilns in May 2009 (74 Fed. Reg. 21,136; [85 DEN A-18, 5/6/09](#)).

The deadline for the final rule was moved to June after the agency requested additional time to collect emissions information.

The proposed rule would establish new national emissions standards for hazardous air pollutants for cement kilns under 40 C.F.R. Part 63. By the time the standards are fully implemented in 2013, annual mercury emissions would be reduced by 11,600 tons, an 81 percent cut, according to the proposed rule.

The proposed rule also would require reductions in other types of emissions from cement kilns. Emissions of total hydrocarbons would be reduced by 11,700 tons, or 75 percent, EPA said, while particulate matter emissions would fall by 10,500 tons, or 96 percent. The proposal would reduce emissions of hydrochloric acid by 2,800 tons, or 94 percent, and emissions of sulfur dioxide by 160,000 tons, or 90 percent.

John Shaw, senior vice president of government affairs at the Portland Cement Association, told BNA March 30 that recent conversations with EPA have been "encouraging."

"The cement industry is not trying to cast any roadblocks here," he said. "We're trying to work with EPA."

Controls Could Increase Global Emissions

EPA's MACT proposal could lead to an increase in hazardous pollutants emissions globally as cement production migrates to countries with less stringent environmental laws, Ragnar Löfstedt, director of King's Centre for Risk Management at King's College in London, said during a March 30 discussion sponsored by the Women's Council on Energy and the Environment.

Löfstedt said EPA needs to better consider the ramifications of rules such as the hazardous air pollutant controls for cement kilns to avoid exacerbating global emissions problems.

"From a global perspective, the environmental health benefits of the MACT will be negligible," he said.

Under Section 112 of the Clean Air Act, which requires EPA to establish air toxics controls, the agency "doesn't have a lot of room to maneuver" when setting the standards, panel participant Amanda Leiter, an associate professor at the Catholic University of America's Columbus School of Law, said.

EPA had used a risk-based method for establishing air toxics controls prior to the Clean Air Act Amendments of 1990, but those approaches "were ineffective," she said. The 1990 amendments to the Clean Air Act requiring EPA to establish technology-based air toxics standards were enacted by Congress "with the recognition some of the worst performers might be forced out of business," Leiter said.

EPA estimates as much as 8 percent of American cement kilns could be forced out of business by its air toxics rule. The cement industry estimates as much as 15 percent of kilns could be closed. A Southern Methodist University analysis funded by the cement industry that was released Feb. 17 found the air toxics controls proposed for cement kilns by EPA could increase building material costs, eliminate jobs, and drive more cement production overseas where environmental regulations are less stringent.

The [study](#), *Economic Impacts of Cement Industry Regulations: The Proposed Portland Cement NESHAP Rule*, said the cement industry contributed \$27.5 billion to America's economic activity in 2008 and directly or indirectly supported 153,000 jobs nationwide ([31 DEN A-6, 2/18/10](#)).

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